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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,093	04/10/2000	David S. Wehrle	00AB108	2591

7590 10/02/2003

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/546,093

Applicant(s)

David S. Wehrle et al.

Examiner

Bharat Barot

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 23, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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RESPONSE TO AMENDMENT

1. Claims 1-9 remain for further examination.

The old rejection maintained

2. The rejection is respectfully maintained as set forth in the last Office Action (Paper Number 05) mailed on April 23, 2003.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Crump et al (U.S. Patent No. 6,484,206). Crump's patent meets all the limitations for the claims 1-9 recited in the claimed invention.

5. As to claim 1, Crump et al disclose a protocol for automatic sequential addressing, comprising: a first protocol for enabling at least one I/O module to receive network communications; and a second protocol for providing the network communications to the at least one I/O module (figure 4A; and column 4 line 34 to column 5 line 32).

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6. As to claim 2, Crump et al disclose that the first protocol enables at least one I/O module to enable at least one other I/O module to form an I/O group (figures 4A-4B).

7. As to claims 3-4, Crump et al disclose that the first protocol is a serial protocol which includes a sync field, a size field, a command field, a data field, and a CRC field (column 4 line 60 to column 5 line 32).

8. As to claims 5-6, Crump et al disclose that the first protocol transmits data in selected intervals via an interrupt service routine; and the selected intervals are groups of three to ensure data is sampled within a bit transition time (figure 6; and column 7 lines 33-55).

9. As to claim 7, Crump et al disclose a Generic broadcast, an Autoaddress, and a Generic Master Mode (figure 7; and column 7 line 56 to column 8 line 40).

10. As to claims 8-9, Crump et al disclose that the second protocol provides at least one of DeviceNet, EtherNet and ControlNet network communications; and the second protocol further comprises class attributes, class services, and instance attributes (figure 4A; and column 4 line 34 to column 5 line 32).

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Response to Arguments

11. Applicant's arguments with respect to claims 1-9 filed on July 23, 2003 (Paper Number 06) have been fully considered but they are not deemed to be persuasive for the claims 1-9.

12. In the remarks, the applicant argues that :

(A) *Argument* : Crump et al do not teach or suggest a protocol for automatic sequential addressing that enables an I/O module to receive network communication.

Response : Crump et al teach that more than one clients communicate with the translating apparatus over a first protocol network (figures 4A; and column 4 line 33 to column 5 line 10) which is inherently applies that the protocol for automatic sequential addressing that enables an I/O module to receive network communication.

(B) In response to applicant's arguments, the recitation "automatic sequential addressing" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

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(C) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., each module first configured on the network and facilitating communication between a network and an I/O module) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose telephone number is **(703) 305-4092**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **An, Meng-Ai**, can be reached at **(703) 305-9678**. The fax phone numbers for examiner's Art Unit OR Group are **After final response (703) 746-7238, Official response (703) 746-7239, and Unofficial/Draft response (703) 746-7240**.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is **(703) 305-3900**.

Patent Examiner Bharat Barot

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September 09, 2003

Bharat Barot

**BHARAT BAROT
PRIMARY EXAMINER**